

United States Courts
Southern District of Texas
FILED

AO 91 (Rev. 11/11) Criminal Complaint

January 27, 2022

UNITED STATES DISTRICT COURT

for the

Southern District of Texas



Nathan Ochsner, Clerk of Court

United States of America

v.

Scott Provost

Case No.

4:22-mj-172*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 07/22/2021 through 01/26/2022 in the county of Brazos in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C 2252A (a)(2)(B) and 2252A (a)(5)(B)	Receipt of child pornography and possession of child pornography

This criminal complaint is based on these facts:
please see attached affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Brittany Burgess, Special Agent, FBI

Printed name and title

Sworn to before me telephonically.

Date: January 27, 2022City and state: Houston, TexasFrances H. Stacy
United States Magistrate Judge*Printed name and title*

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Brittany Burgess, being duly sworn, do hereby state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation and have been so employed in that capacity since January 2021. I am currently assigned to Bryan Resident Agency of the Houston Division of the FBI. I have received training in a variety of investigative and legal matters, including the drafting of search warrant affidavits and probable cause in addition to my legal training and practice. I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest, and performing other duties imposed by law. I have gained experience in these investigations through discussions with other law enforcement officers and everyday work related to conducting investigations. Child Pornography, as defined in Title 18, United States Code, Section 2256, is:

“any visual depiction, including any photograph film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where—(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct... [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct.”

2. I make this affidavit in support of an application for issuance of a criminal complaint and arrest warrant for Scott Provost, for violations of Title 18, United States Code, Section 2252A(a)(2)(B) and (b)(1) (receipt of child pornography); and Title 18, United States, Code, Section 2252A(a)(5)(B) and (b)(2) (possession of child pornography). This affidavit does not include all facts known to me, but rather contains facts sufficient to support the issuance of an arrest warrant.

3. Law enforcement agents have been investigating child pornography trafficking by Freenet users since at least 2011. Freenet is Internet-based, peer-to-peer (P2P) network that allows users to anonymously share files, chat on message boards, and access websites within the network.

4. On July 22, 2021, between 6:26 AM UTC and 8:51 AM UTC, a computer running Freenet software, with an IP address of 75.109.210.34, requested from a law enforcement computer 23 pieces out of 1044 total pieces needed to assemble a file with a SHA1 digital hash value of [VYARGTH2DWBSCNAOFUEBKOQESBNORJPU].¹ Agents have downloaded the exact same file with the above referenced SHA1 hash value from Freenet. It is a video file (2016-07 Dana New Nice Girl Fuck.avi) of what appears to be a pre-pubescent Caucasian female child (possibly 7-9 yoa), no breast development or pubic hair. The child has long brown hair and is seen stroking, and then sucking on the erect penis of an adult male (Caucasian). The child appears to be instructed to look into the video camera as she is performing oral sex. Shortly thereafter the adult male vaginally penetrates the child with his penis. The video lasts approximately 3 minutes and 50 seconds in duration.

5. On July 22, 2021, between 7:29 AM UTC and 8:46 AM UTC, a computer running Freenet software, with an IP address of 75.109.210.34, requested from a law enforcement computer 28 pieces out of 997 total pieces needed to assemble a file with a SHA1 digital hash value of [FA2ZTN2LRW4VCCB6KBTDK7P4HMNP4OZE].² Agents have downloaded the exact same file with the above referenced SHA1 hash value from Freenet. It is a video file (9yo

¹ "SHA1" stands for "secure hash algorithm – 1" and refers to a particular type of cryptographic hash value.

² "SHA1" stands for "secure hash algorithm – 1" and refers to a particular type of cryptographic hash value.

Cynthia play with cock and suck.avi), in which what appears of pre-pubescent Caucasian female children (individual images put into a video, possibly 7-9 yoa, or younger), all with no breast development or pubic hair. The initial image is of a child with long brown hair wearing a grey and pink top and white (shorts/pants). Another image is of a similar looking child with a pink shirt and black shorts, with close ups of her vagina. There are various worded captions describing individual images in the video which read “Shie is a 9 yo slut”, “ass”, “slut” “nude selfie”. The individual images end and then there is video of another child who is nude and appears to be instructed to put her fingers into her vagina. The child then bends over spreading her buttocks (showing close-ups of her vagina and anus), and back to sitting in a chair and placing fingers into her vagina (all of which appears to be directed by the party who is recording the incident.) As the movie progresses, an adult male is seen and the minor is orally penetrated by his erect penis. The video lasts approximately 11 minutes and 40 seconds.

6. On July 22, 2021, between 7:28 AM UTC and 11:13 AM UTC, a computer running Freenet software, with an IP address of 75.109.210.34, requested from a law enforcement computer 119 pieces out of 3,480 total pieces needed to assemble a file with a SHA1 digital hash value of [NEPIUHDF2ZNOQPHMPZXXW6XG33YEQAY5].³ Agents have downloaded the exact same file with the above referenced SHA1 hash value from Freenet. It is a video file (HMM – JudyAn – Set 11 – part_3 assfuck & cum in mouth .MPG), of what appears to be a pre-pubescent darker skinned female, (possibly of Asian or Pacific Islander descent, and 6-9 yoa), no breast development or pubic hair. The child has long dark hair, with only black thigh high stockings on. There appears to be drawn images on her arms. The video

³ “SHA1” stands for “secure hash algorithm – 1” and refers to a particular type of cryptographic hash value.

starts out with an adult Caucasian male performing anal sex on the child, during which the child is repeatedly saying “ah” in what appears to be a painful response to the action being performed. The male later ejaculates on the child’s chest. Later in the video, the child is orally penetrated by the adult male penis. The video lasts approximately 4 minutes and 59 seconds.

7. Using publicly available search tools, law enforcement determined that IP address 75.109.210.34 was controlled by Internet Service Provider (“ISP”) Suddenlink Communications.

8. On or about September 2, 2021, the FBI served an administrative subpoena on Suddenlink Communications for subscriber information relating to the use of IP address 75.109.210.34 on the following dates/times: July 22, 2021, at 06:26:59 UTC; July 22, 2021, at 08:51:54 UTC; July 22, 2021, at 07:29:34 UTC; July 22, 2021, at 08:46:00 UTC; July 22, 2021, at 07:28:39 UTC; and July 22, 2021 at 11:13:22 UTC. A review of the results obtained on December 1, 2021, show Scott Provost, of 1100 Turkey Creek Road, Trailer 137, Bryan, TX 77801, was the subscriber associated with the IP address 75.109.210.34 on July 22, 2021. The account was activated on March 22, 2013.

9. On or about January 5, 2022, representatives of the U.S. Postal Service stated that Scott Provost is currently the only individual known to be residing at and receiving mail at that residence.

10. On January 25, 2022, the Honorable Judge Frances H. Stacy of the Southern District of Texas, issued a search warrant for the violations of 18 U.S.C 2252A for 1100 Turkey Creek Road, Trailer 137, Bryan, TX 77801. On January 26, 2022, FBI executed said search of the aforementioned address. The only inhabitant of this address was Scott

Provost here after referred to as "Provost". During the search, approximately four terabytes of pornography consisting of many images of child pornography were found.

11. While agents were executing the search, Provost consented to be interviewed by agents of the FBI. Provost was advised by agents that he was not under arrest, and could stop answering questions at any time. Provost agreed, and an interview was conducted which was audio recorded. During the interview, Provost admitted to downloading and being in possession of child pornography.

12. Provosts confirmed being the owner of the trailer. Provost admitted to downloading four terabytes of pornography utilizing the file sharing software, "Freenet". During the interview, Provost said that he (Provost) had downloaded the Freenet software approximately one year ago. Provost told agents that the child pornography he possessed included depictions of infants. Provost told agents that his pornography preference was for teenagers or "pubescents", but that he had downloaded everything which had included the child pornography images of the infants. Provost told agents they could find the child pornography on his a "Dell" computer, which was located in his bedroom. Provost described the computer's location further by saying it (the computer) had two towers stacked together and the child pornography would be located on the bottom tower that was connected to the screens. Provost instructed agents to locate the computer's directory and search for Seagate and then four terabytes to locate the digital pornography.

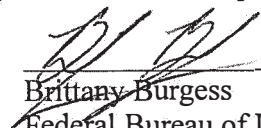
13. FBI search team personnel confirmed the location of the child pornography that Provost had given. Special Supervisory Resident Agent Charles Wilkes observed the images to be of pre-pubescent females engaged in sexually explicit conduct.

Agents described the folder as containing a large number of thumbnail images and titles. The following are three of the thumbnail images that were observed in the folder:

- a. "Washing Room- 10YO Girl is Giving A Blow Job. Avi." is a thumbnail image in which a minor female child is being orally penetrated by an adult male's penis;
- b. "3YO Beauty Suck & Fuck" is a thumbnail image in which a nude pre-pubescent female is being penetrated by an adult male's penis; and
- c. "2011 NattyDatty 8YO-Rubbing my cock in tight pussy" is a thumbnail image in which a nude pre-pubescent female's genitals is being displayed in a lewd and lascivious manner with an adult male's penis rubbing against it.

CONCLUSION

Based on the aforementioned facts, your Affiant respectfully submits that there is probable cause to believe that SCOTT PROVOST is in violation of Title 18, United States Code, Section 2252A (a)(2)(B) and (b)(1) (receipt of child pornography); and Title 18, United States Code, Section 2252A(a)(5)(B) and (b)(2) (possession of child pornography).



Brittany Burgess
Federal Bureau of Investigation
Special Agent
Bryan, Texas

Subscribed and sworn to telephonically on this 27th day of January, 2022 and I find probable cause.



Frances H. Stacy
United States Magistrate Judge